

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ANTHONY BARKLEY,

Case No. 2:17-cr-025-HDM-VCF

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

## FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant is in custody but does not oppose the continuance.
  2. Since the filing of the previous stipulation, undersigned defense counsel has continued diligently in reviewing and investigating discovery.
  3. This continuance is not sought for the purpose of delay.
  4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and complete these important pretrial preparations, taking into account the exercise of due diligence.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

This is the second extension of motions filed herein.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

## ORDER

IT IS THEREFORE ORDERED that the parties herein shall have until and including July 31, 2017, to file any and all pretrial motions and notices of defense.

IT IS FURTHER ORDERED the parties shall have to and including August 14, 2017 to file any all responses.

IT IS FURTHER ORDERED the parties shall have to and including August 21, 2017 to file any and all replies.

DATED this 11th day of July, 2017.

Howard D McRillen

**SR. UNITED STATES DISTRICT JUDGE**